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UNITED STATES OF AMERICA

Plaintiff,

v. No.3:06CR00135 (AWT)

TYRONE HENRY

Defendant.
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Based on the current state of the record, there is no genuine issue as to whether the government's cooperating witness voluntarily consented to the recordings at issue. Recordings do not violate the Fourth Amendment and are admissible when the interaction is recorded voluntarily by a participating government informant. See United States v. Davis, 326 F.3d 361, 362-63 (2d Cir. 2003). Nor was the making of the recordings at issue a violation of any legitimate expectation of privacy on the part of defendant Henry. See id. ("[A] defendant does not have a privacy interest in matters voluntarily revealed to a government agent, including a confidential informant.").

It is so ordered.

Dated this 30th day of November 2006 at Hartford,
Connecticut.

/s/AWT
Alvin W. Thompson
United States District Judge